

REMARKS/ARGUMENTS

In further response to the earlier restriction requirement, claims 12, 14-30, and 33 are now cancelled without prejudice, as requested by the Examiner. The Applicant reserves the right to represent these claims in a divisional or continuation application to be filed at a later date.

The Examiner has now rejected claims 1, 3, 6, 7, 9, 10, 34-39, 43, and 44 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2004/0085946 to Morita et al. (“Morita”). The Applicant has carefully considered the Examiner’s rejection, but respectfully disagrees with the Examiner for the reasons that follow.

Claim 1 concerns a method of transmitting information in an unsynchronized Orthogonal Frequency Division Multiplexing (OFDM) communication network. In contrast, Morita concerns multicarrier Code Division Multiple Access (CDMA) systems, and therefore, at the very outset, diverges from the subject matter of the present application. Those skilled in the art will appreciate that CDMA varies substantially from OFDM. While CDMA may apply some aspects of OFDM, the two are not the same. Therefore, since Morita is concerned with CDMA systems, Morita is not focused on the same subject matter recited in claim 1.

Claim 1 recites, *inter alia*, modulating access channel information onto a predetermined initial access channel of an OFDM communications signal, wherein the access channel information comprises a common synchronization code that is common to each of the plurality of base stations and a cell-specific synchronization code that is orthogonal to the common synchronization code and unique to each base station. The Examiner points to the primary synchronization code and the secondary synchronization code of Morita with respect to the claimed common synchronization code and cell-specific synchronization code. Morita does not teach or suggest that the primary synchronization code is common to each of a plurality of base stations, as claimed. Further, Morita does not teach or suggest that the secondary synchronization code is unique to each base station, as claimed. In contrast, the primary synchronization code of

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